

Lehigh County Agricultural Conservation Easement Program

What is an Agricultural Conservation Easement?

An agricultural conservation easement is a legal restriction on land development that limits all future uses of the land to agriculture. Qualifying farmland owners can apply to sell perpetual conservation easements to the Commonwealth of Pennsylvania, Lehigh County and to local municipalities.



Minimum Eligibility Requirements

The State Agricultural Land Preservation Board has established minimum criteria for properties to be eligible to be considered for conservation easement purchase. Farmland tracts must:

1. Be located in an agricultural security area consisting of 500 acres or more.
2. Be contiguous acreage of at least 35 acres or be at least 10 acres and adjoin a property that is preserved with a perpetual conservation easement.
3. Have at least 50% of the soils which are available for agricultural production and are of capability classes I-IV, as defined by the USDA - Natural Resources Conservation Service.
4. Contain the greater of 50% or 10 acres of harvested cropland, pasture and grazing land.

Farms that do not qualify for state funding may qualify for 100% Lehigh County funding.

The Farmland Preservation Process

1. Applications are submitted to the Lehigh County Farmland Preservation Program by **July 1st**.

2. Farms are ranked with a land evaluation and site assessment (LESA). The ranking system considers the following:

Soil Quality - 40% of score
Development Potential - 10%
Farmland Potential - 25%
Clustering Potential - 25%

3. The highest ranked applications will receive an offer to have their properties appraised. Appraisals are required to determine the value of the conservation easement.

The value of a conservation easement is the difference between the fair market value of the farm (before value) and the value of the farm after it has been preserved (after value).

4. Applicants who have been selected for appraisal pay a \$500.00, non-refundable, easement processing fee.

5. A price per acre offer is made to the applicant based on the appraisal. Applicants have a right to obtain a second appraisal at their own expense.

6. A boundary survey is conducted if necessary.

7. An agreement of sale is prepared and signed.

8. A conservation plan may need to be prepared or updated.

9. Proposed conservation easements are presented to the county and state farmland preservation boards for approval.

10. At settlement, landowners receive their compensation and the deed of agricultural conservation is signed.

The entire preservation process, from the time of application to the time of settlement, can take 18 to 24 months.



Agricultural Conservation Easement Deed Provisions

- The conservation easement term is perpetual.
- All normal agricultural uses are permitted, including crop and livestock production and the construction of buildings for the storage, processing and marketing of products produced on the farm.
- Commercial, industrial, institutional, recreational and residential development is prohibited, unless specifically permitted in the deed of easement.
- Farm-related development (barns, sheds, greenhouses, livestock housing, etc.) is permitted as long as the total area covered with buildings is no more than 10% of the total easement area.
- Only one additional residence can be built on the farm for housing the landowner, an immediate family member or farm employees.
- All agricultural production must be conducted in accordance with an approved conservation plan.
- The Farmland Preservation Office inspects preserved farms every other year to ensure that no violations have occurred.
- If the easement property is sold, the conservation easement restrictions must be included verbatim in the transfer deed.
- The conservation easement does not give the public access to the property.

For More Information:

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